

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

**DIANA RIOS DE TEMPLE**

**VS.**

**PABLO DIAZ VEGA AND FLETES GROUP  
INTERNATIONAL, LLC**

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**CIVIL ACTION NO.:** \_\_\_\_\_

**JURY**

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**APPLICATION AND NOTICE OF REMOVAL**

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TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. §1332(a)(2) and Rule 81 of the local rules for the Southern District of Texas, Defendant Pablo Diaz Vega (“Applicants”) file this Application and Notice of Removal and in support thereof would show the Court the following:

1. On February 2, 2017, Plaintiff, Diana Rios De Temple filed Plaintiff’s Original Petition in a cause of action against Applicants in the 430<sup>th</sup> District Court of Hidalgo County, Texas, *Cause No. C-0519-17-J*.
2. Pursuant to 28 U.S.C. §1446 this notice of removal was filed within 30 days after the Defendant first received notice of Plaintiff’s Original Petition from which it was ascertained that the case is one which is removable.
3. Plaintiff Diana Rios De Temple is a resident of Hidalgo County, Texas. Applicant Pablo Diaz Vega is a citizen of Mexico. Defendant Fletes Group International, LLC, is a Texas corporation from El Paso, Texas and is not a proper party to this suit. Therefore, removal is based upon alienage jurisdiction.

4. All defendants who have been properly served consent to the removal of this case to federal court.

5. The action described in Paragraph 8 arises from a motor vehicle incident that occurred in Hidalgo County, Texas on or about November 20, 2015. Plaintiff has plead that the Court has subject matter jurisdiction over this action because the. Plaintiff seeks damages within the Court's jurisdictional limits and that the Court has in personam jurisdiction over the Defendant and because the lawsuit arises out of events or omissions that occurred in the county.

6. The amount in controversy exceeds \$75,001.00. Plaintiffs' Original Petition seeks damages in excess of \$100,000 but not more than \$1,000,000.00.

7. Pursuant to Rule 81 of the Local Rules of the Southern District of Texas Applicants would show the following:

- a. Plaintiff: Diana Rios De Temple
- b. Defendants: Pablo Diaz Vega and  
Fletes Group International, LLC
- c. Status of service of process: Status of service of process: On July 19, 2016, Defendant Joel Encarnacion Garcia received a copy of Plaintiff's Original Petition via certified mail. On July 19, 2016, Defendant Express Diaz Hermanos Trucking received a copy of Plaintiff's Original Petition via certified mail.
- d. Counsel for each party is as follows:

<b>Counsel for Plaintiff</b>	<b>Diana Rios De Temple:</b>
R. Todd Elias	
State Bar No. 00787427	
Gordon, Elias & Seely, L.L.P.	
1811 Bering Drive, Suite 300	
Houston, TX 77057	
713-668-9999	
713-668-1980 Fax	
<a href="mailto:rtelias@geslawfirm.com">rtelias@geslawfirm.com</a>	

David H. Square  
State Bar No. 24076013  
Square Law Group

302 Kings Hwy, Suite 103  
Brownsville, Texas 78521

**Counsel for Defendant Pablo Diaz Vega:**

Glenn D. Romero  
State Bar No. 17224025  
Federal Bar No. 7734  
Vidaurre, Lyde, Rodriguez & Haynes, LLP  
202 North 10<sup>th</sup> Avenue  
Edinburg, Texas 78451  
Telephone: 956-381-6602  
Facsimile: 956-381-0725  
Email: [gromero@vlrhlaw.com](mailto:gromero@vlrhlaw.com)

**John M. Dickey Fletes Group International, LLC**

Gordon Davis Johnson & Shane, P.C.  
4695 N. Mesa St., Suite 100  
El Paso, Texas 79912  
Telephone: 915-545-1133  
Facsimile: 915-545-4433  
Email: [jdickey@eplawyers.com](mailto:jdickey@eplawyers.com)

e. A jury was demanded by Defendant Diaz in district court and the jury fee was paid.

f. Name and address of court from which the case is being removed:


430<sup>th</sup> District Court  
Hidalgo County, Texas  
100 N. Closner  
Edinburg, Texas 78539

8. Pursuant to Local Rule 81, a copy of all pleadings asserting causes of action and all answers to such pleadings, a copy of the docket sheet and an index of the matters being filed are attached hereto.

WHEREFORE PREMISES CONSIDERED, Applicants pray that the above action now pending in the 430th District Court, Hidalgo County, Texas, *Cause No. C-0519-17-J* styled *Diana Rios De Temple vs. Pablo Diaz Vega and Fletes Group International, LLC*, be removed to this Court pursuant to Rule 28 U.S.C. §1332 and Rule 81 of the Local Rules of the Southern

District of Texas and that Defendant may have such other and further relief at law or in equity to which they may show themselves justly entitled.

Respectfully submitted,

By:   
Glenn D. Romero  
Attorney in Charge  
State Bar No. 17224025  
Federal Bar No. 7734  
*ATTORNEYS FOR DEFENDANT*  
*PABLO DIAZ VEGA*

Of Counsel:  
Vidaurre, Lyde, Rodriguez & Haynes, LLP  
202 North 10th Avenue  
Edinburg, Texas 78541  
Telephone: 956-381-6602  
Facsimile: 956-381-0725

#### CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to opposing counsel via eservice notification and electronic mail on this the 13<sup>th</sup> day of March 2017, as follows:

R. Todd Elias  
Gordon, Elias & Seely,  
L.L.P.  
1811 Bering Drive, Suite  
300  
Houston, TX 77057

David H. Square  
State Bar No. 24076013  
Square Law Group  
302 Kings Hwy, Suite 103  
Brownsville, Texas 78521

John M. Dickey  
Gordon Davis Johnson &  
Shane, P.C.  
4695 N. Mesa St., Suite  
100  
El Paso, Texas 79912

  
Glenn D. Romero